

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES SMALLEY,

Plaintiff,

vs.

MICHAEL GAMACHE, et al.,

Defendants.

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Case No. 4:10CV319 RWS

MEMORANDUM AND ORDER

Plaintiff's latest motion complains that defendants have refused to answer interrogatories directed to defendant Canava on the ground that they did not receive the request. Plaintiff attached these allegedly unanswered interrogatories to his motion, so the Court will deem them served on defendant and will shorten the time to respond to August 15, 2012, for good cause shown. As with defendants' response to plaintiff's motion for production of documents, I will also order defendant Canava to file his written responses to these interrogatories with the Court since there has been so much prior litigation about the adequacy of defendants' responses. The responses shall be attached as a exhibit to a Notice of compliance with this Order. As for plaintiff's request for a free copy of his deposition transcript, his in forma pauperis status does not entitle him to a free copy of his transcript. However, **to the extent that defendants rely on any deposition transcripts in support of summary judgment, including plaintiff's, I will require defendants to file a complete copy of all deposition transcripts, not just excerpted portions, with the Court.** Of course, defendants would then be required to serve copies of the deposition transcripts on plaintiff as part of their motion for summary judgment. Otherwise, plaintiff is required to pay for his deposition transcript just like any other civil litigant.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion [#84] is granted in part only to the extent set out above, and is denied in all other respects.

IT IS FURTHER ORDERED that defendant Canava is required to respond to the request for interrogatories and file his response as set out above by **August 15, 2012.**

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written in black ink.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of August, 2012.